

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.31535 of 2008
SHANTI DEVI
Versus

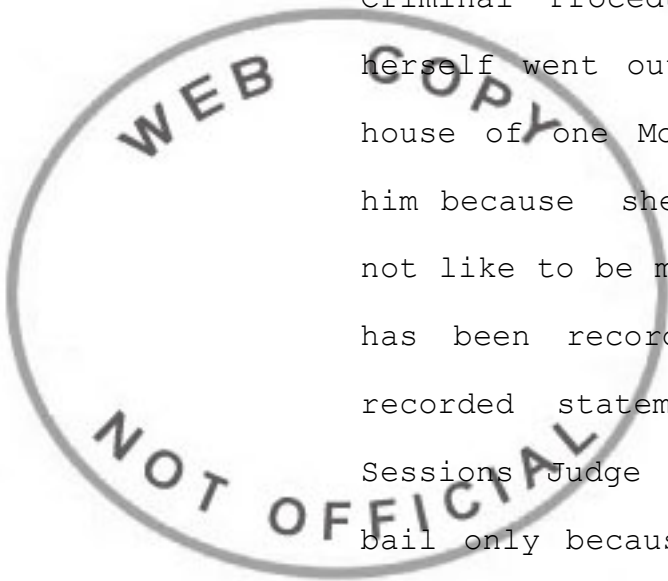
STATE OF BIHAR

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2. 19.8.2008 Heard.

The grand mother of the alleged victim reported to the police that the petitioner had enticed away or taken away her grand daughter.

The contention is that the lady appeared before the police and her statement was recorded under Section 164 of the Code of Criminal Procedure and she stated that she herself went out of her house to go to the house of one Mohana Verma so as to marrying him because she was married to a man she did not like to be married to. The age of the lady has been recorded as 19 years as per the recorded statement. The learned Additional Sessions Judge has dismissed the prayer for bail only because the lady was claimed to be aged 13 years. At any rate, the lady was married and she is living with the said Mohan Verma, as such the offence under Section 498 of the Indian Penal Code is not attracted. If the lady was herself leaving her house to go to the house of the petitioner then, it is



contended, there might not be application of Section 366 of the Indian Penal Code.

Let the above named petitioner, under the above facts and circumstances, be directed to be released from custody on her furnishing a bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Munger, in Dharhara P.S.Case No. 44 of 2008.

Kanth

(Dharnidhar Jha, J.)

